

ORIGINAL

CIVIL ACTION NO. 97-1645 (CCC)

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IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

JOHN A. CASILLAS
PETITIONER,

V.

UNITED STATES OF AMERICA
RESPONDENT.

ON PETITION FOR LEAVE TO FILE MOTION TO RECONSIDER
JURISDICTIONAL ELEMENT FOR GRANTING THE RELIEF
THOUGHT.

HONORABLE CARMEN CONSUELO CEREZO
UNITED STATES DISTRICT JUDGE

John A. Casillas[LD NTC Pro-per]
Sui Juris Insolvent
Reg. No. 06843-069 Unit B-2
Federal Satellite Low
2650 HWY 301 South
Jesup, GA 31599-5601

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOHN A. CASILLAS
PETITIONER,

CIV. NO. 97-1645(CCC)
CRIM. NO. 90 CR 0314(CCC)
HONORABLE Carmen C. Cerezo

JURISDICTION

V.

RULE 60(b)(6), 28 USCA.
RULE 59(e), 28 USCA.
RULE 201, FED.R.EVIC.,(J.N.)
28 USC §1331, FEDERAL QUESTION
28 USC §1651, ALL WRITS ACT
APA

5 USC §556(d) ARTICLE III
5 USC §701-706

NOTICE OF MOTION

UNITED STATES OF AMERICA
RESPONDENT.

[Asking for permission for leave to file
motion for reconsideration for Jurisdictional
element.]

TO THE HONORABLE JUDGE CEREZO:

PLEASE TAKE NOTICE, that upon the annexed "Affirmation" of John A. Casillas[LD NTC], the Petitioner, IN PROPIA PERSONA, sui juris, moves this LEGISLATIVE COURT, pursuant to Rule 60(b)(6), Fed.R.Civ.P., 28 USCA, Rule 59(e). Fed.R.Civ.P., 28 USCA, Rule 201, Fed.R.Evic.[JUDICIAL NOTICE], 28 USC §1651, 28 USC §1331, the Administrative Procedure Act Title 5 USC §556(d), Title 5 USC §701-706 and Article III, at the criminal term of the United States District Court for the District of Puerto Rico, San Juan Division, as soon thereafter as motion can be heard, for an order granting permission for leave to file motion to reconsider for the filing of jurisdictional element on the grounds that the information the District Court cites in denying without prejudice

as premature in docket entry no. 73 stating " The Supreme Court has yet to determine whether or not Blakely and Booker/Fanfan are to be retroactively applied" and that "Apprendi does not apply retroactively" in the order is taken as true, sets forth specific facts shown there is no genuine issue of fact for trial and there is no case or controversy for trial and there is no case or controversy. Therefore, because the Supreme Court and the First Circuit Court of Appeals have applied the Apprendi "**Burden of Proof**" retroactively on first \$2255 petitioner's claim is not premature but ripe. When there are no materials facts in dispute between the parties and that as a matter of law petitions entitled to relief prayed in his petition. Accordingly, I have **ACCEPTED** your **OFFER**, I have returned it, I have offered my **EXEMPTION** in exchange for the **DISCHARGE** of the **BONDS[JUDGMENT]**. I request that you discharge the **BOND[JUDGMENT]** to me.

Accordingly, Judicial Notice is the appropriate remedy for the return of the Judgment to me.

Respectfully, submitted this 8 day of April 2005 at Jesup, GA.

JOHN A. CASILLAS
JOHN A. CASILLAS[DEBTOR]

/s/ John A. Casillas
John A. Casillas[LD NTC Pro-per]
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